

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BESSEMER SYSTEM FEDERAL CREDIT )  
UNION, )**

Plaintiff, )

vs. )

**FISERV SOLUTIONS, LLC, f/k/a FISERV )  
SOLUTIONS, INC., and FISERV, INC., )**

Defendants. )

Case No. 2:19-cv-00624-RJC

**DEFENDANTS' STATUS REPORT**

Defendants Fiserv Solutions, LLC, and Fiserv, Inc. (together, "Defendants") submit this status report pursuant to the Court's Order of April 27, 2022.<sup>1</sup> (Dkt. 183.)

**Special Masters**

The parties were able to agree to the appointment of Carole Katz to serve as the Discovery Special Master in this matter, but subsequently discovered that she is unavailable for appointment. The parties have not reached agreement on a different candidate to serve as Special Master.

Defendants propose David B. White of Burns White LLC and Jaime S. Tuite of Buchanan Ingersoll & Rooney to serve as the Discovery Special Master in this matter. Defendants believe that the Court's decision to appoint a special master to oversee all discovery disputes in this matter counsels in favor of appointing someone with broad experience and knowledge of commercial disputes beyond forensic or technical ESI issues. Mr. White and Ms. Tuite possess the requisite knowledge and experience to handle the various outstanding and anticipated discovery disputes in this case.

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<sup>1</sup> Due to Bessemer's insistence to attempt to litigate the parties' meet and confer efforts through what should be a simple joint status report, and the parties' inability to agree on a report, the parties have filed separate reports.

1. **David B. White** – Mr. White has considerable experience serving as a special master for general discovery and e-discovery matters in this district, and has been appointed to serve as a special master or EDSM in at least six cases pending in the Western District of Pennsylvania in the last decade. Additionally, Mr. White possesses experience with financial institution litigation, which is relevant, as a number of discovery issues in this case will be guided by the financial services industry in which the parties operate and the laws and regulations applicable to financial institutions (Bessemer) and their vendors (Fiserv Solutions). <https://burnswhite.com/attorneys/david-white/>
2. **Jaime S. Tuite** – Ms. Tuite is a well-respected member of the Pennsylvania bar and head of Buchanan Ingersoll & Rooney’s Pittsburgh office. Ms. Tuite serves on her firm’s E-Discovery Team and Cybersecurity Team, and has experience litigating breach of contract, trade secret misappropriation, and various claims involving financial institutions and regulations governing such institutions. Additionally, Ms. Tuite was appointed to the U.S. District Court for the Western District of Pennsylvania’s Local Rules Advisory Committee and served on the ESI Issues subcommittee. <https://www.bipc.com/jaime-tuite>

### **Outstanding Discovery Disputes**

The parties have not resolved the currently outstanding discovery disputes. Bessemer’s report (Dkt. 186) does not contain an accurate recitation of the events and mischaracterizes the history of Parties’ communications. (*See* Dkt. 185 at 1, n.1.) Defendants have offered to meet and confer with Bessemer on multiple occasions regarding special masters and pending discovery disputes, including by emails dated May 9, May 10, and May 11. (Dkt. 186-1.) But the parties’ back and forth on these issues, and others that have arisen after the Court’s April 27 Order, is not

germane to whether any of the currently outstanding discovery disputes have been resolved. They have not.

Contrary to Bessemer's specious assertion, Defendants never refused to meet and confer regarding special master candidates. In fact, Defendants initiated such discussions. (*Id.*) As a result, the Court should reject Bessemer's request that the Court disregard Defendants' special master proposals.

Dated: May 11, 2022

Respectfully submitted,

/s/ Jesse L. Byam-Katzman

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